

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

JAMMEY RAY WILLENBRINK,	:	Case No. 1:22-cv-115
	:	
Petitioner,	:	
	:	
vs.	:	District Judge Matthew W. McFarland
	:	Magistrate Judge Karen L. Litkovitz
	:	
WARDEN, LONDON CORRECTIONAL INSTITUTION,	:	
	:	
	:	
Respondent.	:	

REPORT AND RECOMMENDATION

This matter is before the Court on Petitioner's Application to Proceed *In Forma Pauperis* and without the prepayment of fees. (Doc. 1). Petitioner, an inmate at London Correctional Institution, filed his Application in connection with a petition for a writ of habeas corpus brought under 28 U.S.C. § 2254. (Doc. 1-1).

The filing fee for a petition for a writ of habeas corpus is \$5. 28 U.S.C. § 1914(a). Petitioner's Application reflects that as of March 1, 2022, he had \$1,937 in his inmate account. (Doc. 1, at PageID 8-9). His average monthly balance for the past six months was \$2,483.70. (*Id.* at PageID 8). The Application thus demonstrates that Petitioner has sufficient funds available to pay the full \$5 filing fee.

Accordingly, the Undersigned **RECOMMENDS** that Petitioner's Application to proceed *in forma pauperis* (Doc. 1) be **DENIED** and that he be ordered to pay the full filing fee of \$5 within 30 days or have this action closed on the Court's docket.

Procedure on Objections to Report and Recommendation

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a de novo determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Date: March 4, 2022


Karen L. Litkovitz
United States Magistrate Judge